

OUR VIEW: COURT SHOULD GET TOUGH WITH LAWMAKERS

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The Washington Supreme Court decided three years ago that the state's formula for funding basic education was not generating enough money "to make ample provision for the education of all children in Washington," which the state's Constitution calls its "paramount duty."

That means all other duties lawmakers have to do on behalf of the voters that put them into office to represent them are secondary to funding education, and the state's highest court ruled lawmakers had failed that one job.

And they have continued to fail. The Supreme Court then gave lawmakers time to find a way to finally do their job. And they failed. The court held the Legislature in contempt of court, a cloud that hung over the marathon session earlier this year.

Yet lawmakers failed. Again. That inaction prompted the Supreme Court to call lawmakers back into court to state their case on why they continue to fail the children of Washington by not funding education – their one job, ahead of building roads, hiring public safety officers or attending freebie tours of the U.S. Open on a sunny summer day during the legislative session to see the impact of tourism on Puget Sound's businesses.

The court has few choices but to come down hard on lawmakers, since solutions seem as absent as the will of lawmakers' to do right by the residents they were hired to represent.

State Superintendent of Public Instruction Randy Dorn this week filed a brief with the State Supreme Court, urging justices to take firm action on education funding. There seems no other course than that. Lawmakers have had three years to come up with a plan to properly fund education and have only made baby steps and promises for future increases through some undefined scheme and undefined amounts.

"Every elected official, including me, is required to take an oath of office," Dorn said. "Part of that oath is, 'I do solemnly swear that I will support ... the Constitution and laws of the state of Washington.' Many people don't understand that our state Constitution explicitly mentions one — and only one — paramount duty: that the state 'make ample provision for the education of all children residing within its borders,' and that the system of public schools shall be general and uniform. The most recent budget passed by the Legislature

doesn't even come close to that. In fact, it 'increases' the state's dependence on local levies, which the Court has ruled is unconstitutional."

See, rather than fully fund education at the state level, lawmakers tossed in a few dollars to local school districts and then allowed them to expand their ability to ask residents for school funding directly.

A 3 percent cost-of-living adjustment legislators approved before the session closed isn't an increase in school funding. It is simply making good on agreements already in place just to keep up with the rate of inflation. It's just money to stand still. Standing still is not progress.

Since one regular session and three special sessions came and went without a deal on public education funding, yet another session would not likely bring a final deal, but we probably have to go through the motions under the false sense that lawmakers actually care about doing their jobs.

So be it. But when that last, last, last effort fails, the Supreme Court would get medieval on lawmakers and simply take away the authority of drawing a paycheck or passing bills or raising money for elections until a deal is done.

"Some people think this is a funding issue," Dorn said. "But it's bigger than money: It's about civil rights. We have to make sure that every student — every student — has access to an ample education."

Lawmakers had one job. And they failed three times, while working on other issues and touting them as victories. That's like showing off a shiny new car they just washed and waxed when their job was to actually drive it somewhere.